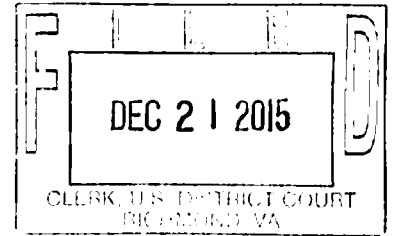


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



ALLAN THOMAS PETIT,

Petitioner,

v.

Civil Action No. **3:15CV309**

HAROLD CLARKE,

Respondent.

MEMORANDUM OPINION

Alan Thomas Petit, a Virginia state prisoner proceeding *pro se*, brings this petition pursuant to 28 U.S.C. § 2254 (“§ 2254 Petition,” ECF No. 1). Petitioners who seek habeas relief under 28 U.S.C. § 2254 are limited to challenging the judgment of a single state court. *See* Rules Governing § 2254 Cases in the United States District Courts, Rule 2(e). “A petitioner who seeks relief from judgments of more than one state court must file a separate petition covering the judgment or judgments of each court.” *Id.* In the present action, Petit sought to challenge separate judgments from the General District Court of the City of Virginia Beach and the Circuit Court of the City of Virginia Beach. Accordingly, by Memorandum Order entered on December 1, 2015, the Court informed Petit that the Court would not consider any challenges to the General District Court Judgment in the present action. The Court explained that Petit remains free to pursue any challenges to that judgment in his other pending 28 U.S.C. § 2254 petition, *Petit v. Clarke*, 3:15CV308 (E.D. Va. filed May 21, 2015), which specifically challenges the General District Court Judgment.

The Court further directed Petit, within fifteen (15) days of the date of entry thereof, to file an amended § 2254 petition for the present action limited solely to claims that challenge the

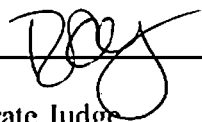
Circuit Court's Judgment. The Court warned Petit that the failure to complete and return the form in a timely manner would result in dismissal of the action. *See* Fed. R. Civ. P. 41(b).

More than fifteen (15) have elapsed since the entry of the December 1, 2015 Memorandum Order and Petit has failed to file an amended § 2254 petition or otherwise respond. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability ("COA"). 28 U.S.C. § 2253(c)(1)(A). A COA will not issue unless a prisoner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). Petit fails to meet this standard.

An appropriate Order shall issue.

Date: 12/21/2015
Richmond, Virginia

/s/ 
Roderick C. Young
United States Magistrate Judge